## IN THE UNITED STATES DISTRICT COURT
## SOUTHERN DISTRICT OF NEW YORK

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| AARON ABADI, | § | |
| | § | |
| **Plaintiff,** | § | |
| | § | **Case No. 1:23-cv-04033-LJL** |
| v. | § | |
| | § | |
| AMERICAN AIRLINES GROUP, INC., | § | |
| ET AL., | § | |
| | § | |
| **Defendants.** | § | |

### DEFENDANT SILVER AIRWAYS, LLC'S NOTICE OF MOTION TO DISMISS UNDER RULE 8 AND RULE 12(b)(6)

Defendant Silver Airways, LLC ("Silver") files the following Notice of Motion to Dismiss under Federal Rules of Civil Procedure 8 and 12(b)(6).

Pursuant to Local Rule 7.1(a)(1), Silver moves to dismiss Plaintiff's Complaint (Dkt. 3) because it fails to state a claim under Federal Rule of Civil Procedure 12(b)(6), and because it fails to comply with the standards for federal pleadings provided by Federal Rules of Civil Procedure 8(a)(2) and 8(d)(1).

By way of this Motion, Silver requests that the Court dismiss Plaintiff's Complaint, without prejudice to filing an amended pleading that complies with Federal Rule of Civil Procedure 8 within a reasonable amount of time to be set by the Court.

Silver refers to and incorporates its Memorandum of Law filed contemporaneously herewith, in accordance with Local Rule 7.1(a)(2).

Dated: November 1, 2023

Respectfully submitted,

*/s/ Gary A. Gardner*
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**ATTORNEYS FOR DEFENDANT
SILVER AIRWAYS, LLC**


## CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that a copy of this document is being served via CM/ECF on all counsel of record who have agreed to accept service electronically in accordance with the applicable Local Rules and Federal Rules of Civil Procedure on November 1, 2023.

*/s/ Gary A. Gardner*
Gary A. Gardner